

CHAPTER 28
IOWA SENIOR LIVING PROGRAM—HOME- AND COMMUNITY-BASED
SERVICES FOR SENIORS

PREAMBLE

These rules implement provisions of 2000 Iowa Acts, Senate File 2193, which establish an overall goal of moving toward a balanced, comprehensive, affordable, high quality long-term care system.

Funds are available to area agencies on aging and subcontracting long-term care providers for designing and expanding home- and community-based services to low- and moderate-income seniors to promote independence and delay the use of institutional care.

321—28.1(78GA,SF2193) Purpose.

28.1(1) The purpose of the Iowa senior living program, home- and community-based services for seniors, is to create a comprehensive long-term care system that is consumer-directed, provides a balance between institutional and noninstitutional services, and contributes to the quality of the lives of Iowans.

28.1(2) Funds appropriated from the senior living trust fund for home- and community-based services for seniors shall be used for activities related to the design, maintenance, or expansion of home- and community-based services for seniors including, but not limited to, adult day care, personal care, respite, homemaker, chore, and transportation services, which promote the independence of seniors and delay the use of institutional care by seniors with low and moderate incomes.

321—28.2(78GA,SF2193) Definitions. For the purposes of these rules, the following definitions apply unless the context otherwise requires:

“AAA” or “*area agency on aging*” means the grantee agency in a planning and service area designated by the commission for the Iowa department of elder affairs to develop and administer the multi-year area plan for a comprehensive and coordinated system of services for elders and to carry out the duties specified in Iowa Code chapter 231.

“*Administration cost*” means the direct and indirect costs incurred by the grantee in managing the grant.

“*Client participation*” means a payment system with an established fee or cost that allows:

1. A senior with low income to receive services for a voluntary contribution towards the cost of the service;
2. A senior with moderate income to receive services at less than the full service delivery cost; and
3. A senior with above moderate income to purchase services at full cost.

“*Community-based adult services committee*” or “*CBAS*” means the group consisting of representatives appointed by the departments of elder affairs, human services, inspections and appeals, and public health; Iowa Foundation for Medical Care; Iowa association of area agencies on aging; and Iowa state association of counties.

“*Contract*” means the purchase of units of services on behalf of an aggregate clientele.

“*Department*” means the department of elder affairs, the state agency responsible for administration of the Older Americans Act, and Iowa Code chapter 231.

“*Direct service*” means a service to a client that is administered by the area agency on aging and provided by employees of the area agency on aging.

“*Grant*” means the use of funds to underwrite an operation in support of the existence of a specific service provider.

"Income" means wages, salaries, business income, social security benefits, veterans administration benefits, disability payments (government or private), retirement or pension plan income, annuity income, interest income, supplemental security income, welfare payments, and other cash income.

"Long-term care services" means those services specified under the medical assistance home- and community-based services waiver for the elderly or the National Aging Program Information System (NAPIS) and designed to directly promote the independence of seniors and to delay the use of institutional care by seniors with low and moderate income.

"Low income":

1. For purposes of determining client eligibility for financial assistance under 2000 Iowa Acts, Senate File 2193, section 7, means income of less than 300 percent of SSI;

2. For purposes of funding distribution means income at or below the official poverty guideline as defined each year by the Office of Management and Budget and adjusted by the Secretary of the U.S. Department of Health and Human Services.

"Medical assistance program" means the financial assistance programs established in cooperation between the state of Iowa and the Health Care Financing Administration (HCFA) under the Medicaid state plan for lower income Iowans with health and social needs.

"Moderate income" means income that is equal to or greater than 300 percent of SSI and less than 300 percent of the federal poverty guideline as defined each year by the Office of Management and Budget and adjusted by the Secretary of the U.S. Department of Health and Human Services.

"National Aging Program Information System" or *"NAPIS"* means the reporting system in which the Older Americans Act requires participation by providers receiving funding from the provisions of the Act.

"Older Americans Act" means the Older Americans Act of 1965, as amended through December 31, 1992 (Public Law 89-73).

"Provider" means individuals, agencies, public and private for-profit and not-for-profit organizations and other entities delivering long-term care services funded under these rules.

"Rural" means incorporated areas with a population of less than 20,000 and unincorporated areas.

"Senior" means an individual who is 60 years of age or older as provided in Iowa Code section 231.4 and 42 U.S.C. § 1396(u)(4).

"Senior living coordinating unit" or *"SLCU"* means the senior living coordinating unit created within the department of elder affairs, pursuant to Iowa Code section 231.58, or its designee.

"Senior living program" means the senior living program created in 2000 Iowa Acts, Senate File 2193, to provide for long-term care services, long-term care service development, and nursing facility conversion.

"Senior living trust" means the funding mechanism established in 2000 Iowa Acts, Senate File 2193.

"Subcontractor of the area agencies on aging" means a provider receiving funds by contract or similar arrangement with an area agency on aging.

"Supplemental security income (SSI)" means the income level defined each year by the Social Security Administration (SSA) for the nationwide federal assistance program administered by SSA, which guarantees the defined minimum level of income for needy aged, blind, or disabled individuals by providing a basic cash support.

“Underserved” means:

1. An area underserved for long-term care service; and
2. For service funding purposes, also means individuals aged 60 and over who are unable to access needed services or areas where the service identified as needed is not available either because there is no provider for that service or because existing providers of that service are regularly unable to deliver the amount of service identified as needed by individuals aged 60 and over.

“Voucher” means the mechanism used to purchase a specific service from a vendor on behalf of an individual client or clients.

321—28.3(78GA,SF2193) Disbursement of funds.

28.3(1) Administration. The department may use up to 7 percent of the service dollars appropriated to the department from the senior living trust fund for purposes of implementing and administering the functions delegated to the department by the Iowa senior living program Act.

28.3(2) Identification of service needs.

a. The department in collaboration with the area agencies on aging shall conduct on a four-year cycle a statewide needs assessment designed to identify individuals aged 60 and over and areas underserved for long-term care services.

b. The department may withhold up to \$100,000 for each four-year cycle from the service dollars appropriated to the department from the senior living trust fund to carry out this function.

c. The department shall seek partners and other funding sources to share the cost of implementing the survey.

28.3(3) Funding formula. The department shall allocate senior living trust funds to the area agencies on aging as established in 2000 Iowa Acts, Senate File 2193, section 7, utilizing, at a minimum, a formula that:

a. Shall triple weight all of the following:

- (1) Individuals 75 years of age and older.
- (2) Individuals aged 60 and older who are members of a racial minority.
- (3) Individuals 60 years of age and older who reside in rural areas.
- (4) Individuals who are 60 years of age and older who have incomes at or below the official poverty guideline as defined each year by the Office of Management and Budget and adjusted by the Secretary of the U.S. Department of Health and Human Services.

b. Shall single weight for individuals 60 years of age and older.

The department shall use the best available population data, including but not limited to U.S. census reports, to calculate allotments under this subrule.

28.3(4) Process for disbursement of funds to the AAAs for state fiscal year 2001.

a. Area agencies on aging shall submit area plan addenda by August 1, 2000.

b. Plans for disbursement of senior living trust funds shall be submitted to the CBAS and SLCU for review and advice prior to final approval by the commission for the department of elder affairs.

c. First and second quarter funds shall be transferred to the AAAs following commission approval and receipt of funds, but no later than October 1, 2000. Funds shall be transferred on the first day of the quarter thereafter.

28.3(5) Process for disbursement of funds to the AAAs for subsequent state fiscal years.

a. The process shall be incorporated into the area plan process outlined in the Older Americans Act of 1965, 42 U.S.C. Sec. 306 and 321—Chapter 4.

b. Plans for disbursement of senior living trust funds shall be submitted to the CBAS and SLCU for review and advice prior to final approval by the commission for the department of elder affairs.

321—28.4(78GA,SF2193) Use of funds by AAAs.**28.4(1) Eligible use of funds.**

a. The area agency on aging may use up to 7 percent of the service dollars for purposes of developing, implementing and administering local long-term care services, and for collecting and reporting required data.

b. For state fiscal year 2001 only, the AAA may use up to 10 percent of the service dollars for area costs associated with creating and implementing, in cooperation with the department, the required reporting mechanism for tracking met and unmet needs as well as the statewide computerized data base of information on services available to older Iowans.

c. The remaining funds contracted to the AAAs by the department from the senior living trust fund will be used to:

(1) Provide long-term care services to enhance the ability of the client to appropriately avoid or delay institutionalization;

(2) Provide services through:

1. Enhancement and expansion of existing providers to serve new clients, provide new units of service to existing clients, and serve new areas;

2. Identification and development of new providers; and

3. Addition of a new funding source to maintain current service levels when service levels would otherwise decline due to a loss of purchasing power; and

(3) Provide services to low- and moderate-income Iowans aged 60 and over.

d. The area agencies on aging may use client participation for services funded under 2000 Iowa Acts, Senate File 2193, section 7. When client participation is used:

(1) The area agency on aging shall not use Older Americans Act funding for the same service category when providing direct service.

(2) The area agency on aging shall not contract Older Americans Act funds and senior living trust funds to a provider for the same service category.

(3) Eligibility shall be based on self-declaration by the client or on declaration on the client's behalf by the client's authorized representative. If the provider or AAA has reason to believe that the declaration is inaccurate or misrepresents the client's financial status, the provider or AAA may require documentation of income and resources, and subsequently may discontinue further financial assistance from the senior living trust fund if the individual is found ineligible.

(4) Funds generated through client participation must be used to purchase the respective service for which the funds were received.

e. Senior living trust fund dollars shall not be used to purchase a service when the client is eligible for third-party purchase of that service by sources such as Medicare, Medicaid, Medicaid home- and community-based services (HCBS) waiver and private long-term care insurance.

f. The AAA shall not use senior living trust funds to replace existing funding for a long-term care service. The department may grant an exception in order to enhance access to a service if the displaced funding is subsequently dedicated by the AAA to another long-term care service for the elderly and results in an increase in total AAA funding for long-term care services to seniors equal to the senior living trust fund dollars used for replacement.

28.4(2) Reallotment of unobligated funds.

a. If the department determines prior to the end of the fiscal year that an AAA will have unused funds, the department may reallocate the unused funds to one or more AAAs in accordance with demonstrated utilization. The AAAs receiving these reallocated funds shall obligate them by the end of the fiscal year in which they are reallocated.

b. Any unobligated funds remaining at the end of the state fiscal year shall be returned to the department and deposited in the Iowa senior living trust fund.

321—28.5(78GA,SF2193) Disbursement of funds to AAA subcontractors.**28.5(1) Criteria to receive senior living trust funds as a subcontractor of an AAA.**

a. The applicant for senior living trust funds must demonstrate that the proposed long-term care alternative service or services:

(1) Are responsive to the service priorities identified by the AAA; or

(2) Will address other significant unmet service needs of eligible seniors as documented by the applicant.

b. The applicant must document the ability to provide the proposed services and the related administration, financial tracking and reporting required by a subcontractor under these rules.

c. The subcontractor must agree to meet the criteria set out in this subrule in addition to criteria established by the AAA in its request for proposal and contract.

d. The subcontractor shall ensure that all employees providing in-home care to clients have had a criminal background check and have been cleared for said functions in accordance with Iowa Code section 135C.33.

e. No senior living trust funds shall be contracted to a provider that has been prohibited from participating in the Medicare or medical assistance programs.

f. The subcontractor shall commit to seeking third-party reimbursement when available.

28.5(2) Disbursement of funds to the AAA subcontractors.

a. Method. Area agencies on aging may use the method or methods of disbursing funds determined to best ensure effective provision of services that address identified and documented unmet needs including contracts, grants, vouchers and direct services.

b. Process for disbursement for state fiscal year 2001.

(1) Each AAA shall issue a request for proposals and application packets no later than June 10, 2000.

(2) The application packet shall contain at a minimum the standard application format and accompanying forms; an explanation of required documentation including, but not limited to, community support, provider capacity to deliver the proposed service, and provider commitment to deliver cost-effective long-term care services to low- and moderate-income elders; a list of priority services for the area; and a time line for and explanation of the AAA's process.

(3) Provider applications shall be due at the respective AAA office by July 1, 2000, for review by AAA staff and advisory boards.

(4) Funds shall be disbursed by the AAAs following the receipt of funds.

c. For subsequent state fiscal years, senior living trust fund service dollars appropriated under 2000 Iowa Acts, Senate File 2193, section 7, shall be disbursed to subcontractors through the area plan process as described in 321—4.20(231) and 321—4.21(231).

28.5(3) Prioritization of service contracts. The AAA may prioritize service contracts and funding levels for reasons that include, but are not limited to, the following:

a. Local prioritization to fulfill unmet needs.

b. Provider commitment matching funds.

c. Provider commitment to use client participation.

d. Cost.

e. History of providing quality service.

28.5(4) Eligible uses of senior living trust funds by subcontractors.

a. Funds contracted by an AAA from the senior living trust fund shall be used to provide long-term care services to enhance the ability of Iowans aged 60 and over with low or moderate income to appropriately avoid or delay institutionalization.

b. An AAA subcontractor may use client participation for services funded under 2000 Iowa Acts, Senate File 2193, section 7, for persons with moderate income or above if the subcontractor does not receive Older Americans Act funding for the same service category.

c. The AAA subcontractor shall not use senior living trust funds to replace existing funding for a long-term care service. The AAA may grant an exception in order to enhance access to a service if the displaced funding is subsequently dedicated by the subcontractor to another long-term care service for the elderly and results in an increase in total funding for long-term care services by the subcontractor to seniors equal to the senior living trust fund dollars used for replacement.

321—28.6(78GA,SF2193) Reporting requirements.

28.6(1) Area agency on aging subcontractors.

- a. Area agency on aging subcontractors shall submit monthly reports to the area agency on aging.
- b. Subcontractor monthly reports shall provide data by month and year to date for:
 - (1) Total number of clients served;
 - (2) Number of clients receiving financial assistance from medical assistance programs; and
 - (3) By service category, for each client receiving financial assistance from senior living trust funds, the number of units of service provided, the number of units of service not provided, and the reasons services were not provided, and expenditures.
- c. Subcontractors shall provide other information as requested by the contracting AAA.
- d. Subcontractors shall participate in the NAPIS client registration process.
- e. Reporting forms are available from the contracting AAA.

28.6(2) Area agencies on aging.

- a. Area agencies on aging shall at a minimum submit monthly reports to the department.
- b. Each AAA shall use the NAPIS client registration process for clients receiving assistance from the senior living trust fund.
- c. Each AAA shall report by month and year to date:
 - (1) Total number of clients served;
 - (2) By service category, the number of clients receiving financial assistance from senior living trust funds, the number of units of service provided, number of units of service not provided and the reasons services were not provided, and expenditures;
 - (3) Utilization of funds; and
 - (4) Performance outcomes from funded services.
- d. Original report forms for duplication are available from the department.

28.6(3) Department.

- a. The department shall submit bimonthly reports to the senior living coordinating unit that include the following information by month and year to date:
 - (1) Total number of clients served;
 - (2) Number of clients receiving financial assistance from medical assistance programs;
 - (3) By service category, an aggregate for clients receiving financial assistance from senior living trust funds, the number of units of service provided, number of units of service not provided and the reasons services were not provided, and expenditures; and
 - (4) Comparative data for services not provided.
- b. The department, in cooperation with the department of human services, shall submit an annual report to the governor and the general assembly concerning the impact of moneys disbursed under 2000 Iowa Acts, Senate File 2193, on the availability of long-term care services in Iowa. The report shall include, but not be limited to, year-end totals for and analysis of the information reported bi-monthly by the departments to the SLCU.

These rules are intended to implement 2000 Iowa Acts, Senate File 2193, sections 7, 9 and 10.

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